

# UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

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Case No: 4:08-cr-1079-002 (TLW)

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USM No: 16907-171

-versus-

)

Pro se

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Defendant's Attorney

Richard Lane Byrd

)

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Date of Previous Judgment: June 30, 2009

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(Use Date of Last Amended Judgment if Applicable)

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## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of one hundred twenty-five (125) months, consisting of one hundred twenty-five months as to Count 1 and one hundred twenty months as to Count 2, with such terms to run concurrently, for a total aggregate sentence of one hundred twenty-five months **is reduced to** one hundred twenty (120) months. This term of imprisonment consists of one hundred twenty months as to Count 1 and one hundred twenty months as to Count2, with all such terms to run concurrently, for a total aggregate sentence of one hundred twenty months.

Except as provided above, all provisions of the original judgment filed June 30, 2009 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: May 16, 2013s/ Terry L. Wooten*Judge's signature*

Effective Date:  
(if different from order date)

Terry L. Wooten, United States District Judge  
*Printed name and title*

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**This second page contains information that should not be filed in court unless under seal.**

*(Not for Public Disclosure)*

DEFENDANT: **Richard Lane Byrd**

CASE NUMBER: 4:08-cr-1079-002 (TLW)

DISTRICT: South Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE** *(Prior to Any Departures)*

Previous Offense Level:	30	Amended Offense Level:	26
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	121-151 months	Amended Guideline Range:	120 months (per statute)

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure and/or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range
- ☐ Other *(explain)*:

**III. ADDITIONAL COMMENTS**